IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL ST. NO. 6002 OF 2007

IN

L.C. SUIT NO. 1574 OF 2000

M/S. FAYYAZ & CO. ..APPELLANT

V/S

MUNICIPAL CORPORATION OF

GR. BOMBAY & ANR. ..RESPONDENTS

MR. M.C. SHAH WITH MS. PRITI A. SUTAR I/BY MRS. RITA BHATIA

CORAM : S.K. SHAH,J.

DATE : 4TH APRIL 2007.

P.C.

1. The Appellant to get the Appeal registered by paying the court fees. This shall be done within one week. The certified copy shall be dispensed with.

2. Heard learned counsel on both sides. The appeal is filed against the dismissal of the suit filed by the Appellant. The main issue was whether the suit structure was authorised or unauthorised. There is clear finding given by the trial court

that the structure was unauthorised structure which was put up by the Appellant/Plaintiff as per the tenancy agreement with the landlord. The Appellant/Plaintiff also admitted in cross examination that he has not obtained any permission from the BMC for the said structure. Learned counsel for the Appellant pointed out various documents in the form of shop licence, payment of taxes and payment of electricity bills, etc. However, these are not relevant for the purpose of considering whether the structure was authorised or unauthorised. I do not find any illegality or impropriety in the Judgement and Order passed by the trial court. There is no merit in the Appeal. The Appeal therefore stands dismissed with no order as to costs.

3. The learned counsel for the Appellant states that status quo which was granted earlier on 8th March 2007 be continued. Learned counsel for the Respondent objects to the same as the status quo that was granted on 8th March, 2007 was only for a period of 2 weeks. Thereafter, it was not continued. Even otherwise I am not inclined to

grant any status quo. The request is therefore rejected.

(S.K. SHAH, J.)